

JOHN W. STEVENS.

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JANUARY 20, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 4846.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4846) for the relief of John W. Stevens, having had the same under consideration, report the same back with amendments, and recommend that when so amended it do pass.

The records of the War Department show that John W. Stevens was enrolled and mustered into service June 20, 1861, to serve three years; that he appears to have served faithfully with his command until June 27, 1862, when he was wounded at the battle of Gaines Mill, Va.; that he never thereafter rejoined his command, which remained in service until June 28, 1864, and that the muster rolls of his company report him deserted June 28, 1862, near Gaines Mill, Va.; that the medical records show, however, that he was admitted to a general hospital at Fort Monroe, Va., June 29, 1862, with a gunshot wound; sent to general hospital at Annapolis, Md., July 4, 1862, and admitted thereto July 5, 1862, and returned to duty July 22, 1862; that no record has been found of him subsequent to the last-named date, and that he is therefore regarded as having deserted July 22, 1862, as reported on the muster rolls; that the following is a synopsis of the testimony submitted in support of an application for removal of charge of desertion, and for an honorable discharge in the case:

George W. Hughes, a comrade of the same company and regiment, declared, July 10, 1888, that the soldier in question was wounded in right hand June, 1862, at the battle of Gaines Mill, Va., and was sent to a field hospital, and thence to a hospital at Alexandria, Va., where he died in the summer or fall of 1862; that the affiant was in hospital at Washington, D. C., and that while he was there he learned from a soldier that Stevens had died and was buried at Alexandria, Va.; that the affiant then wrote to the sanitary commission at Alexandria, Va., and that he finds in his diary the following memoranda that he made upon "hearing" from the said sanitary commission: "Saturday, February 27, 1864, received yesterday a letter from the sanitary commission in regard to John Stevens. The letter I received from the sanitary commission stated that John Stevens was dead, and buried at Alexandria, Va.;" that affiant further stated that from his long acquaintance with the soldier in question he is positive that said soldier did not desert, but died in hospital at Alexandria, Va., from

effects of his wound; that the soldier's relations with his family were most affectionate, and that he would have returned to them if he had been able; that the application was necessarily denied, because the testimony submitted was insufficient to warrant removal of the clear and positive charge of desertion or an amendment of the record to show that the soldier died in service, in view of the fact that an exhaustive search of all records likely to afford information in the case had revealed nothing to show that the soldier was under military control at any time subsequent to July 22, 1862, when he was pronounced fit for duty and sent from hospital at Annapolis, Md., to rejoin his regiment.

In an affidavit, made on the 23d day of May, 1896, Fannie R. White stated that she was the wife of the soldier at the time he enlisted at Hillsdale, Mich., in Company E, old Fourth Michigan Infantry, and that she received numerous letters from him during the time he was in the service—as much as once, and frequently oftener, each week; that after the battle of the Wilderness she received a letter from him, which was evidently written by a comrade, in which it was stated that he was very severely wounded in the right forearm during the second day of the engagement of said battle. The letter contained the statement that he (Stevens) would about as soon die from the result of the wound as from amputation, which he feared would result in death, and that he hardly knew how he would be able to support a wife and two children without the use of his right arm; that subsequent to the letter above referred to she received several letters from him while he was in the hospital at Alexandria, Va., and thinks she received the last from him about July 15 to 25 of that year, since which time she has heard nothing from him, nor has she been able to get any trace of him through any of his comrades, friends, or relatives, and has every reason to believe that he died in the hospital from the effects of the wound received in the battle of the Wilderness, and for some reason has not been accounted for.

Your committee has not overlooked the discrepancy between the affidavit of Mrs. White and the record of the War Department as to the battle in which, and the time when, the soldier was wounded, but the error is one which might easily occur, in consequence of the lapse of nearly thirty-four years since the event. The affidavit of Mrs. White is material, in that it corroborates the other statements with reference to the soldier being in hospital and wounded, and also as fixing the time when he was last heard from, and that she has never in any manner, or through any source, heard from him since he was in hospital at Alexandria, Va., when he corresponded with her. This latter statement with reference to the soldier's absence, coupled with that in the affidavit of the witness Hughes respecting the information which he obtained as to the soldier's death, and the entry of the fact made by him at the time in his memorandum book, taken in connection with the continued absence of the soldier since the summer or fall of 1862, sufficiently establishes, in the opinion of your committee, the presumption that the soldier died in hospital, as related in the testimony.

The statement contained in the War Department report, that the testimony was not sufficient to warrant removal of the clear and positive charge of desertion or an amendment of the record to show that the soldier died in service, in view of the fact that exhaustive search of all records likely to afford information in the case had revealed nothing to show that the soldier was under military control at any time subsequent to July 22, 1862, when he was pronounced fit for duty and sent from hospital to rejoin his regiment, is indeed most

grewsome to contemplate, if the soldier actually did die in hospital, as is claimed, and as your committee confidently believe. It would be a mournful sequence if, in addition to sacrificing his life in the service of his country, and, because he had done so, the responsibility for the absence of any record of the fact of death were to be charged to the deceased soldier, and that consequently the charge of desertion should not be removed from his record.

The committee recommend that the bill be amended by adding at the end thereof the following: "And that such record be so corrected as to show that the soldier died in hospital at Alexandria, Va., in the fall of 1862;" also by adding thereto the following proviso: "*Provided*, That no pay or allowances shall become due or be paid by virtue of the provisions of this act."



